

EDITORIAL

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According to the government plan of the current administration in Colombia, infrastructure will be one of the five elements that will move forward for the country's achievement of prosperity. Accordingly, infrastructure, together with agriculture, innovation, housing, mining, and oil and gas, is one of the dynamic sectors of the economy that will propel Colombia towards development.

To achieve this, the administration has proposed the creation of a legal framework that will provide the necessary institutional background and the adequate legal tools to meet the challenges of infrastructure. As part of this framework, there is a proposal to create a National Infrastructure Agency as the single authority in this field, and parallel to it, the statutes and regulations for concessions, free zones, and the promotion of private sector initiatives. Additionally, and in accordance with the plan of the Ministry of Transportation, in the next ten years there will be an investment of 99 trillion pesos for projects of infrastructure.

The plans of the administration clash with the reality of the infrastructure in Colombia. Many corruption scandals have been involved with the projects, which have impacted public trust in

the infrastructure sector. Other projects, have been subject to improvisation and ruses, some do not have the title to the land where the constructions have to be carried out. Furthermore, countless projects have faced many obstacles that hinder their implementation, obstacles such as legal and budgetary difficulties, problems regarding jurisdictional organs in charge of surveillance and control and the inefficiency of the governmental institutions.

It would seem then that there are two countries in infrastructure: one, which is the one we dream of, one of big infrastructure projects, mostly financed by the private sector, built within time frames and an estimated budget. A country moving forward with full steam, connecting different regions of Colombia, and at the same time connecting those with the rest of the world; a country in which infrastructure builds a platform for economic development. Another country, held back, with precarious infrastructure and with inefficient institutions, without the capacity to respond to the challenges of infrastructure. An infrastructure that is immersed in a complex network of insurmountable legal issues, with projects that have not been well planned out nor carried out appropriately, holding back economic development.

Evidently, the challenge lies in bringing the latter country towards the former. This means overcoming the great obstacles that the infrastructure sector currently faces to start the engine full steam. This is not an easy task. On the one hand, it means that the ongoing projects have to be completed, seeking solutions to multiple problems. On the other hand, it means that the necessary institutional and legal framework has to be developed in order to carry out successful projects.

Taking all of the above into consideration, *International Law, Revista Colombiana de Derecho Internacional*, has decided to devote its second issue of 2011 to infrastructure, seeking to nurture the current debate on this relevant matter, particularly that finding the best way to overcome the difficulties that this sector faces, so as to achieve an institutional and legal framework that is appropriate to the specific needs of the country, and that at the

same time meets and benefits from principles of international law, particularly non regression and progressivity of rights and development. Undoubtedly, international and comparative law provides valuable examples to Colombia.

Moreover, given that the infrastructure that Colombia requires must necessarily count on the enthusiastic participation of both the national and foreign private sectors, the Colombian government must provide an infrastructure scheme that promotes and protects transparent competition and investment. Thus, this issue includes articles from experts on the matter of competition and foreign investment.

With these and other contributions, *International Law, Revista Colombiana de Derecho Internacional*, seeks to enrich the debate on the design and implementation of a new legal framework for infrastructure. The success of this infrastructure scheme lies in the appropriate response on the part of the Colombian government, a response that should be both creative and thoroughly thought.

